

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ROBERT G. HERRERA §
VS. § CIVIL ACTION NO. 1:13-CV-295
GISELA SARA RODRIGUEZ, ET AL. §

MEMORANDUM OPINION AND ORDER

Plaintiff Robert G. Herrera, a prisoner currently confined at the Hightower Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff contends the defendants falsely accused him of crimes.

Discussion

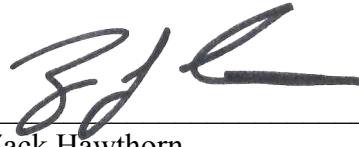
The Civil Rights Act, 42 U.S.C. § 1981, *et seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972); *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. However, under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

According to the plaintiff, the defendants reside in Houston, Texas, and that is where the events of which he complains occurred. Houston is located in the Southern District of Texas. The court has considered the circumstances and has determined that the interests of justice would best be served if the complaint was transferred to the district in which the claims arose and the defendants reside. It is accordingly

ORDERED that this civil rights action is **TRANSFERRED** to the Houston Division of the United States District Court for the Southern District of Texas.

SIGNED this 18th day of May, 2013.



Zack Hawthorn
United States Magistrate Judge